

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTIONETTE A. BAYLETS-
HOLSINGER,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY,

Defendant.

No. 4:18-CV-00060

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

NOVEMBER 29, 2018

1. On January 9, 2018, Plaintiff filed a complaint against Defendant.
2. On June 21, 2018, Defendant moved to dismiss that complaint.
3. On October 30, 2018, Magistrate Judge Martin C. Carlson recommended granting that motion in part and denying it in part. Objections to that Report and Recommendation were due by November 13, 2018, but none were filed.
4. This Court has reviewed Magistrate Judge Carlson's Report and Recommendations, finds "no clear error on the face of the record,"¹ and agrees with Judge Carlson's reasoning and recommendation.

¹ *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010).

5. Therefore, **IT IS HEREBY ORDERED** that Magistrate Judge Carlson's Report and Recommendation, ECF No. 26 is **ADOPTED IN ITS ENTIRETY**, and Defendant's Motion to Dismiss, ECF No. 21, is **GRANTED IN PART AND DENIED IN PART**, as follows:

- a. Plaintiff's ADA and FMLA claims are **DISMISSED**.
- b. With respect to Plaintiff's Title VII and whistleblower retaliation claims, within thirty days of the date of this Order, Plaintiff **SHALL FILE** a Second Amended Complaint which recites factual allegations which (1) are sufficient to raise Plaintiff's claimed right to relief beyond the level of mere speculation; (2) contains "a short and plain statement of the claim showing that Plaintiff is entitled to relief," set forth in averments that are "concise and direct"; (3) states Plaintiff's claims in short, concise, and plain statements, and in sequentially numbered paragraphs; and (4) names proper defendants, specifying the offending actions taken by a particular defendant, and indicating the nature of the relief sought by the Plaintiff.

6. This case is remanded back to Magistrate Judge Carlson.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge